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LEE, PHILIP C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/876,788

Applicant(s)

LINYARD ET AL.

Examiner

PHILIP C. LEE

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This action is responsive to the amendment and remarks filed on January 07, 2008.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/7/08 has been entered.
3. Claims 33-55 are presented for examination and claims 1-32 are canceled.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "computer readable medium". For examination purpose, "computer readable medium" is interpreted as "memory" on page 8, lines 7-10 of the specification.

Claim Rejections – 35 USC 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 45-52 are rejected under 35 U.S.C. 101 because “A system” does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system be a machine. “A system” comprising: modules (i.e., software) do not include at least one hardware element. Therefore, “A system” comprising software is considered as software per se, which is not one of the categories of statutory invention.

Claim Rejections – 35 USC 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 33-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. .

a. Claim language in the following claims is not clearly understood:

i. As per claim 33, line 8, it is unclear if “an answer” is referring to “an answer” in line 6 [i.e., if they are the same, then terms such as “the” or “said” must be used].

Claim Rejections – 35 USC 103

10. Claims 45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen, U.S. Patent 6,584,464 (hereinafter Warthen) in view of Machiraju et al, U.S. Patent 6,243,090 (Machiraju).

11. Warthen and Machiraju were cited in the previous office action.

12. As per claim 45, Warthen teaches the invention substantially as claimed comprising:
a suggestion module adapted to provide question (fig. 3; col. 4, lines 7-8) and answer (fig. 4; col. 4, lines 19-22) in response to a request for assistance from a computer executed application (col. 3, lines 46-49; col. 2, lines 48-50), wherein the question and answers are configured using a category associated with the request (col. 3, lines 41-51; col. 6, lines 1-8);
a context/category module configured to convert a request context to the category by searching one or more stored context maps to determine whether a match between the request context and the category is present (col. 5, lines 45-56); and
a statistics module adapted to provide a question, wherein the question includes a plurality of frequently asked questions (col. 5, lines 15-25).

13. Warthen does not teach question and answer pair. Machiraju teaches providing a question and answer pair in response to a request for assistance from a computer executed application (col. 5, line 67-col. 6, line 2).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Machiraju because Machiraju's teaching would provide ease of use for a user in Warthen's system by allowing a user to access frequently asked questions linked with answers (col. 3, lines 47-52).

15. As per claim 48, Warthen and Machiraju teach the invention substantially as claimed in claim 45 above. Machiraju further teach a statistics module configured to provide a plurality of questions (15, fig. 1).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Machiraju for the same reason as claim 45 above.

17. Claims 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss, U.S. Patent 6,539,377 (hereinafter Culliss) in view of Warthen.

18. Culliss was cited in the previous office action.

19. As per claim 53, Culliss teaches the invention substantially as claimed comprising:
identifying a context associated with a computer executed application, the computer executed application being configured to receive a request for assistance (col. 3, lines 45-65);
mapping the context to one or more of a plurality of categories (col. 3, lines 45-65);

determining which of a plurality of categories is associated with the context (col. 3, lines 45-56; col. 4, lines 30-59).

20. Culliss does not teach identifying and displaying a plurality of most frequently asked questions. Warthen teaches a similar invention comprising:

identifying a plurality of most frequently asked questions associated with one or more of the plurality of categories (col. 3, lines 41-51; col. 6, lines 1-8); and
displaying the plurality of most frequently asked questions (col. 5, lines 15-25).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

22. As per claim 54, Culliss teaches the invention substantially as claimed comprising:
determining a category associated with a question, wherein the category is based at least in part upon a web page, the web page being recently accessed (col. 3, lines 13-56; col. 5, lines 21-25) and the question being associated with a request for assistance associated with a computer executed application (col. 3, lines 45-65); and
mapping the category to a context associated with the request to generate a context to category map, the map being stored in a repository (col. 3, line 45-col. 4, line 45).

23. Culliss does not teach identifying and displaying a plurality of most frequently asked questions. Warthen taught a similar invention comprising:

identifying a plurality of most frequently asked questions associated with the category (col. 3, lines 41-51; col. 6, lines 1-8); and

displaying the plurality of most frequently asked questions (col. 5, lines 15-25).

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

25. Claims 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen and Machiraju in view of Suzuki et al, U.S. Patent 5,890,139 (Suzuki).

26. Suzuki was cited in the last office action.

27. As per claim 46, Warthen and Machiraju teach the invention substantially as claimed in claim 45 above. Warthen and Machiraju do not teach a statistics module to identify an unanswered question. Suzuki teaches a statistics module configured to identify an unanswered question (col. 4, line 66-col. 5, line 13).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen, Machiraju, and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Warthen's and Machiraju's systems by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

29. As per claim 47, Warthen, Machiraju and Suzuki teach the invention substantially as claimed in claim 46 above. Suzuki further teach an authoring module configured to associate an answer with the unanswered question (col. 9, lines 4-25).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen, Machiraju, and Suzuki for the same reason as claim 46 above.

31. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen and Machiraju in view of Warner, U.S. Patent 6,665,655 (hereinafter Warner).

32. Warner was cited in the last office action.

33. As per claims 49-50, Warthen and Machiraju teach the invention substantially as claimed in claim 48 above. Warthen and Machiraju do not teach arranging the questions in an order.

Warner teaches the statistics module arranges the questions in a most frequently asked order or a least frequently asked order (col. 7, lines 15-col. 8, lines 40; col. 9, lines 37-40).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen, Machiraju and Warner because Warner's teaching of arranging the questions in order would increase the user flexibility of Warthen's and Machiraju's systems by allowing the results to be presented according to the user's interest.

35. Claims 33-35, 40, 44 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and Suzuki in view of Machiraju.

36. Culliss was cited in the last office action.

37. As per claim 33, Culliss teaches the invention substantially as claimed comprising:
receiving a question from a user of a computer executed application (col. 3, lines 45-56);
identifying an operational context, wherein the operational context is associated with the question, and a category associated with the identified context (col. 3, lines 45-56; col. 4, lines 30-59);
retrieving an answer to the question, wherein the category and the question are used to retrieve the answer (col. 4, line 66-col. 5, line 2; col. 5, lines 45-65); and

determining whether the answer is associated with the operational context and the question (col. 5, lines 40-42)

38. Although Culliss teaches determining whether the answer is associated with the operational context and the question (col. 5, lines 40-52), however, Culliss does not teach wherein the question is an unanswered question if the answer is not associated. Suzuki teaches wherein the question is an unanswered question if the answer is not associated with the operational context and the question (col. 4, line 66-col. 5, line 13), the unanswered question being logged (col. 5, lines 6-11); and retrieving another answer in response to the unanswered questions (col. 5, line 64-col. 6, line 5).

39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of a question is an unanswered question would increase the efficiency of Culliss's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

40. Culliss and Suzuki do not teach identifying a plurality of unanswered questions. Machiraju teaches using a natural language indexing module to normalize the question if an answer is retrieved, wherein one or more superfluous words are removed from the question to determine whether another question is substantially similar to the question (col. 5, lines 33-47); and identifying a plurality of unanswered questions (col. 7, lines 1-8; col. 2, lines 3-11, 30-40).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, and Machiraju because Machiraju's teaching of identifying a plurality of unanswered questions would provide ease of use for a user in their systems by providing frequently asked questions linked with answers that are related to the unanswered questions to the user(col. 3, lines 47-52).

42. As per claim 34, Culliss, Suzuki and Machiraju teach the invention substantially as claimed in claim 33 above. Culliss further teaches determining whether a web page have been visited (col. 3, lines 27-35, 57-65).

43. As per claim 35, Culliss, Suzuki and Machiraju teach the invention substantially as claimed in claim 33 above. Culliss further teaches identifying a time that a web page is accessed (col. 3, lines 27-30, 57-65).

44. As per claim 40, Culliss, Suzuki and Machiraju teach the invention substantially as claimed in claim 33 above. Machiraju further teach determining a hardware environment associated with the computer executed application (server associated with the Lycos application, 15, fig. 1).

45. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, and Machiraju for the same reason as claim 33 above.

46. As per claim 44, Culliss teaches the invention substantially as claimed, comprising: receiving at least one question from a user from a computer executed application into a question module (col. 3, lines 45-56); identifying at least one category that is associated with a context in which the question was received using a context module (col. 3, lines 45-56; col. 4, lines 30-59); and using a knowledge module configured to identify an answer to the at least one question, wherein the answer is determined using the at least one category (col. 5, lines 45-52).

47. Culliss does not teach an authoring module configured to receive input to answer an unanswered question. Suzuki teaches providing an authoring module configured to receive input, wherein the input is used to answer an unanswered question (col. 8, lines 55-63; col. 9, lines 4-25); and logging the unanswered question using a tracking module (col. 5, lines 6-11), the tracking module being configured to generate a request for another answer to the unanswered question (col. 5, line 64-col.6, line 5).

48. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of receiving answer to unanswered question would increase the efficiency of Culliss's system by

providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

49. Culliss and Suzuki do not teach a plurality of frequently asked unanswered questions. Machiraju teaches determining whether the at least one question is substantially similar to another question by normalizing the at least one question, wherein the normalizing the at least one question comprises removing one or more superfluous words (col. 5, lines 33-47); and identifying a plurality of frequently asked unanswered questions (col. 7, lines 1-8; col. 2, lines 3-11, 30-40).

50. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, and Machiraju because Machiraju's teaching of identifying a plurality of unanswered questions would provide ease of use for a user in their systems by providing frequently asked questions linked with answers that are related to the unanswered questions to the user (col. 3, lines 47-52).

51. As per claim 51, Culliss teaches the invention substantially as claimed, comprising:
a question module configured to receive at least one question from a computer executed application (col. 3, lines 45-56);
a context/category module configured to identify at least one category mapped to a context of the at least one question (col. 3, lines 45-56; col. 4, lines 30-59); and

a knowledge module configured to identify an answer to the at least one question, wherein the answer is generated using the at least one category (col. 5, lines 45-52).

52. Culliss does not teach an authoring module configured to identify unanswered questions. Suzuki teaches an authoring module configured to identify an unanswered question (col. 4, line 66-col. 5, line 13); and a tracking module (160, fig. 1) configured to log the unanswered question (col. 5, lines 6-11), and to request another answers to the unanswered question (col. 5, line 64-col. 6, line 5).

53. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Culliss's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

54. Culliss and Suzuki do not teach a plurality of frequently asked unanswered questions. Machiraju teaches module to identify one or more frequently asked unanswered questions (col. 7, lines 1-8; col. 2, lines 3-11, 30-40); a statistics module configured to provide a question and answer pair associated with the category (col. 5, lines 15-47; col. 5, line 67-col. 6, line 2); and A suggestion module configured to provide the question and answer pair in response to a request for assistance (col. 5, line 67-col. 6, line 2).

55. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, and Machiraju because Machiraju's teaching of identifying a plurality of unanswered questions would provide ease of use for a user in their systems by providing frequently asked questions linked with answers that are related to the unanswered questions to the user(col. 3, lines 47-52).

56. As per claim 52, Culliss, Suzuki and Machiraju teach the invention substantially as claimed in claim 51 above. Suzuki further teach the authoring module associates another answers with the unanswered questions automatically (col. 9, lines 4-25).

57. Claims 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen and Suzuki in view of Machiraju.

58. As per claim 55, Warthen teaches the invention substantially as claimed comprising:
receiving a plurality of questions (fig. 3; col. 3, lines 12-17);
determining whether each of the plurality of questions has an answer located in a knowledge database (col. 3, lines 41-56; col. 6, lines 5-8), wherein a context to category map is used to determine whether the answer is stored in the knowledge database (col. 5, line 45-6, line 8); and receiving another answer from an administrative source for the questions (col. 5, line 64- col. 6, line 10).

59. Warthen does not teach logging questions that is unanswered. Suzuki teaches storing of the question in the knowledge database, wherein the question is unanswered (col. 4, line 66-col. 5, line 13).

60. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Suzuki because Suzuki's teaching of logging unanswered question would increase the efficiency of Warthen's systems by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

61. Warthen and Suzuki do not teach one or more frequently asked unanswered questions. Machiraju teaches identifying one or more frequently asked unanswered questions (col. 7, lines 1-8; col. 2, lines 3-11, 30-40).

62. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen, Suzuki, and Machiraju because Machiraju's teaching of identifying one or more unanswered questions would provide ease of use for a user in their systems by providing frequently asked questions linked with answers that are related to the unanswered questions to the user(col. 3, lines 47-52).

63. Claims 36-39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss, Suzuki and Machiraju in view of Manduley et al, U.S. Patent 6,768,790 (hereinafter Manduley).

64. Manduley was cited in the last office action.

65. As per claim 36, Culliss, Suzuki, and Machiraju teach the invention substantially as claimed in claims 33 above. Culliss, Suzuki, and Machiraju do not teach the determining a format associated with the question. Manduley teaches determining a format associated with the question (col. 4, lines 7-41).

66. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, Machiraju, and Manduley because Manduley's teaching of determining the format would increase the efficiency of Culliss's, Suzuki's, and Machiraju's systems by allowing received messages to be sorted according to the message format.

67. As per claim 37, Culliss, Suzuki, Machiraju and Manduley teach the invention substantially as claimed in claim 36 above. Machiraju further teach wherein the format comprises input from a field in a web page (col. 2, lines 12-15; fig. 2A).

68. As per claim 38, Culliss, Suzuki, Machiraju and Manduley teach the invention substantially as claimed in claim 36 above. Manduley further teach wherein the format comprises an e-mail message (col. 4, lines 7-41).

69. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, Machiraju, and Manduley for the same reason as claim 36 above.

70. As per claim 39, Culliss, Suzuki, Machiraju and Manduley teach the invention substantially as claimed in claim 36 above. Machiraju further teach wherein the format comprises an electronic chat question (col. 4, lines 44-54).

71. As per claim 42, Culliss, Suzuki, Machiraju and Manduley teach the invention substantially as claimed in claim 36 above. Suzuki further teach generating an e-mail configured to present the answer to the question (col. 6, lines 20-25).

72. Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss, Suzuki and Machiraju in view of Warthen, U.S. Patent 6,584,464 (hereinafter Warthen).

73. Warthen was cited in the previous office action.

74. As per claim 41, Culliss, Suzuki, and Machiraju teach the invention substantially as claimed in claims 33 above. Culliss, Suzuki, and Machiraju do not teach generating a web page to present the answer. Warthen teaches generating a web page configured to present the answer(col. 4, lines 19-25).

75. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, Machiraju, and Warthen because Warthen's teaching of generating a web page containing answer would increase the field of use in their system by allowing the answer to be presented on a software browser.

76. As per claim 43, Culliss, Suzuki, and Machiraju teach the invention substantially as claimed in claims 33 above. Culliss, Suzuki, and Machiraju do not teach using category to search context to category maps. Warthen teaches using at least the category to search one or more context to category maps (col. 5, lines 45-56).

77. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, Machiraju, and Warthen because Warthen's teaching of using category to search would increase the efficiency by allowing a server in their system to reduce the query into categories for more efficient processing of the query.

78. Applicant's arguments with respect to claims 33-55, filed 1/07/08 have been considered but they are not persuasive.

79. In the remarks, applicant argued that:

- (1) The prior arts fails to teach the invention as recited in claim 33, 44-45, 51 and 53-55.

80. In response to point (1), applicant's argument is moot in view of the citations cited in the rejections of claims 33, 44-45, 51 and 53-55 above.

81. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2452